

Staff Summary Report



Hearing Officer Hearing Date: May 15, 2007

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the **ULTIMATE FITNESS AND REHAB (PL070178)** located at 4685 South Ash Avenue for one (1) use permit.

DOCUMENT NAME: 20070515dssa02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **CARLTON BUSINESS PARK - ULTIMATE FITNESS AND REHAB (PL070178)** (Mark Lalama, applicant; Carleton Park Associates LLC, property owner) located at 4685 South Ash Avenue in the GID, General Industrial District for:

ZUP07052 Use permit to allow a personal fitness/training studio with massage therapy.

PREPARED BY: Steve Abrahamson, Senior Planner (480-350-8359)

REVIEWED BY: N/A

FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)

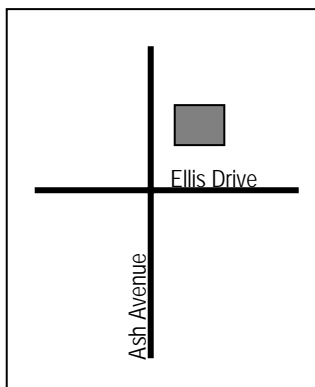
A handwritten signature in black ink, appearing to be 'LC' or similar initials, located next to the name Lisa Collins.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1 - 8.

ADDITIONAL INFO: Ultimate Fitness and Rehab is requesting approval of a use permit to allow a personal fitness/training studio with massage therapy located at 4685 South Ash Avenue in the (GID) General Industrial District. The proposed business will occupy approximately 4,500 s.f. of space within an existing office and warehouse building. Staff is recommending approval of the request with conditions. To date, there has been no public input.



ATTACHMENTS:

1. List of Attachments
 2. Comments; Use Permit; Conclusion
 3. Reason for Approval; Conditions of Approval; History; Facts/Description
 4. Zoning & Development Code Reference
-
- A. Location Map(s)
 - B. Aerial Photo
 - C. Letter of Intent
 - D. Site Plan
 - E. Floor Plan

COMMENTS:

Ultimate Fitness is requesting approval of a use permit to allow a personal fitness/training studio with massage therapy. The proposed business will occupy approximately 4,500 s.f. of space within an existing office and warehouse building. The workout portion of the business occupies about 3,000 s.f. with offices, storage and rest rooms within the balance of the area.

The site is located east of Ash Avenue on the north side of Ellis Drive within the GID, General Industrial District. To the south, east and west of the site are office and warehouse buildings zoned General Industrial. To the north is the Flagstone Apartments, (R-3) Multi-Family Zoning. Further, there exists office buildings zoned LID, Light Industrial District to the east of the subject building.

The proposed "by appointment only" hours of operation are by appointment only Monday through Friday from 5:00 a.m. to 9:00 p.m. and Saturday 7:00 a.m. to 5:00 p.m.. The business currently has four (4) contracted certified personal trainers and one (1) hypnotherapist as employees. A massage therapist has, in the past, been employed by the business. Should the use permit be approved, Ultimate Fitness may again, provide the services of a licensed massage therapist.

To date, there has been no public input.

Use Permit

The Zoning and Development Code requires a personal fitness/training studio with massage therapy to obtain a use permit in the GID, General Industrial District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is a personal training studio; there should be minimal nuisances within this industrially zoned area.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the request for the use permit subject to the attached conditions of approval.

REASON(S) FOR

APPROVAL:

1. Traffic generated by this use should not be excessive.

2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. Any expansion or intensification of use shall require a new use permit to be approved.
5. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.
6. All required State, County and Municipal permits shall be obtained or the use permit is void.
7. All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the use permit becoming effective.
8. All business signs shall be Development Review approved and permits obtained.

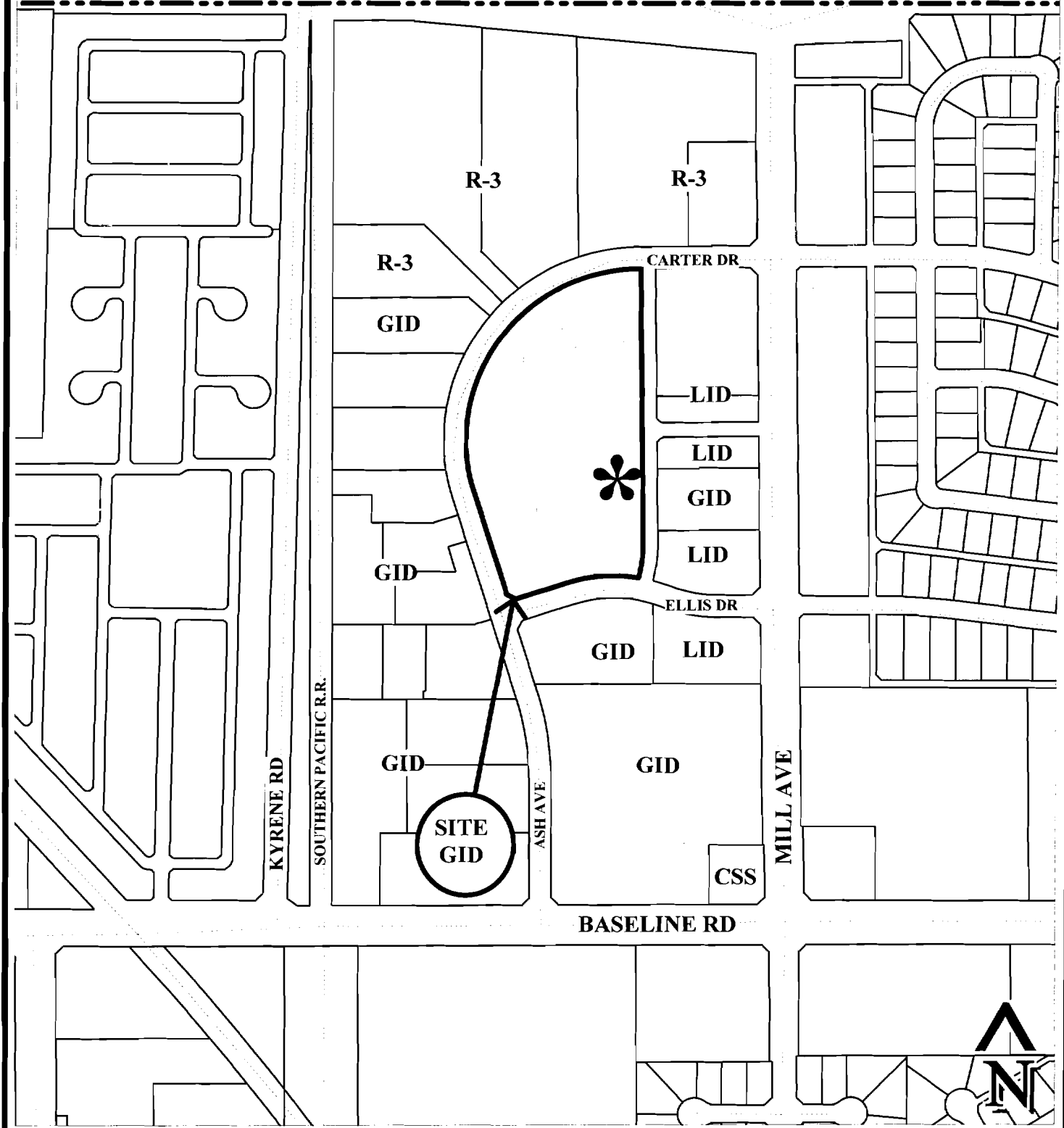
HISTORY & FACTS: None pertinent to this request.

DESCRIPTION: Owner – Park Associates LLC
Applicant – Mark Lalama
Existing zoning – GID, General Industrial District
Total Site Area – 100,275 s.f. / 2.30 acres
Total Building Area – 9,679 s.f.
Suite Area – 4,500 s.f.

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter 3, Section 3-302
Permitted Uses in Office/Industrial Districts

Part 6, Chapter 3, Section 6-308
Use Permit.

ULTIMATE FITNESS AND REHAB
PL070178
US 60 - SUPERSTITION FREEWAY




CARLTON BUSINESS PARK - ULTIMATE FITNESS AND REHAB (PL070178)



Ultimate Fitness and Rehab, LLC
Mark Lalama, CPT
4685 S Ash Ave Suite H-1
Tempe, AZ 85283
(480) 897-3422

To Whom It May Concern:

Ultimate Fitness and Rehab is a private personal training studio. Our studio is about 4500 square feet. The workout portion of the facility is the most sizable portion measuring at about 3000 square feet.

We cater to individuals who are seeking exercise and nutritional guidance. All personal training is by appointment only, with hour's operation from 5 a.m. to 9 p.m., Monday through Friday. Saturday we are open from 7 a.m. to 5 p.m. We currently have four certified personal trainers who are contracted employees. These trainers occupy three offices in Ultimate Fitness.

In addition to personal training, we offer hypnotherapy. The hypnotherapist occupies an office; they are work by appointment only and are available Monday through Friday from 9a.m. to 7 p.m.

Until recently we offered massage therapy, but that is currently not happening as a result of the Permit Codes for the City of Tempe. Under normal circumstances, our licensed massage therapist conducts various methods of massage therapy by appointment only. She is also employed at a local favorite resort in Scottsdale. Our massage therapist sub-leases an office at Ultimate Fitness and Rehab.

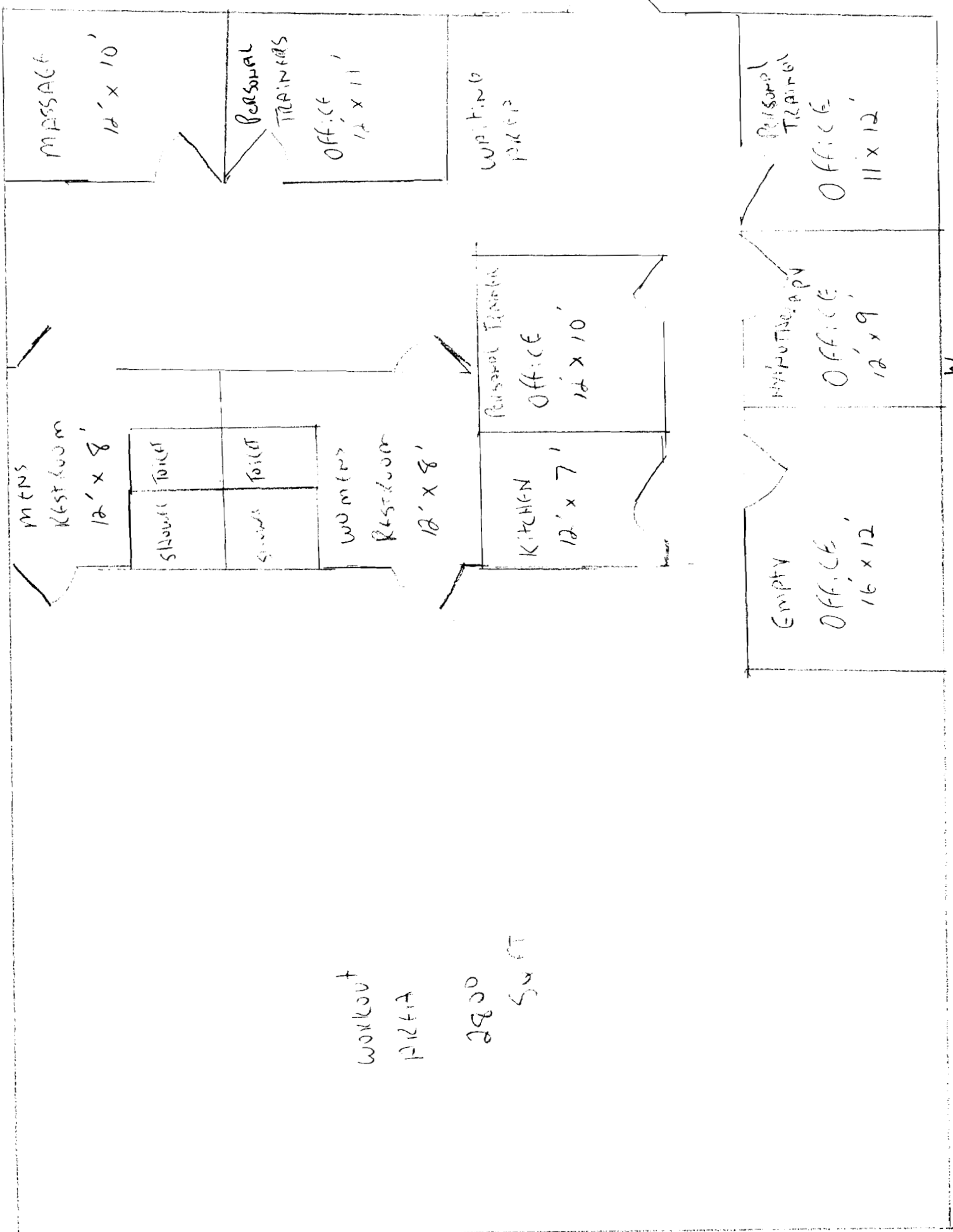
The remaining unaccounted space is reserved in the waiting area, storage room, kitchen, and handicap accessible bathrooms

Please feel free to contact me at (480) 897-3422. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to be "ML", followed by the date "4/12/07" written in a similar cursive style.

Mark Lalama, CPT
Owner of Ultimate Fitness



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